

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE APRIL 20, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1755

Introduced by Senator Chesbro

February 24, 2006

An act to add Sections ~~14550.5~~ 14522.3, 14528.1, 14550.5, and 14550.6 to, and to repeal and add Section 14525 of, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1755, as amended, Chesbro. Medi-Cal: adult day health care services.

The California Adult Day Health Care Act provides for the licensure and regulation of adult day health centers, with administrative responsibility for this program shared between the State Department of Health Services and the California Department of Aging pursuant to an interagency agreement.

The Adult Day Health Medi-Cal Law establishes adult day health care services as a Medi-Cal benefit for Medi-Cal beneficiaries who meet certain criteria.

This bill would revise the eligibility criteria for adult day health care services.

The bill would require that a participant's personal health care provider, as defined, have and retain responsibility for the participant's care. The bill would impose specified duties on an adult day health care center with respect to a participant who does not have a personal health care provider.

Existing law requires adult day health centers to offer, and provide directly on the premises, specified services.

This bill would require adult day health centers to offer, and provide directly on the premises, in accordance with the participant's individual plan of care, and subject to authorization, specified core services to each participant during each day of the participant's attendance at the center, including nursing services, personal care or social services, therapeutic activities, and one meal.

The bill would allow an adult day health care center to provide one or more of the specified core services at an enhanced level if any of certain conditions occurs.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14522.3 is added to the Welfare and
2 Institutions Code, to read:

3 14522.3. The following definitions shall apply for the
4 purposes of this chapter.

5 (a) "Activities of daily living" (ADL) means activities
6 performed by the participant for essential living purposes,
7 including bathing, dressing, self-feeding, toileting, ambulation,
8 and transferring.

9 (b) "Instrumental activities of daily living" (IADL) means
10 activities performed for the purpose of functioning within a
11 participant's home and community environment.

12 (c) "Personal health care provider" means the participant's
13 personal physician, physician's assistant, or nurse practitioner,
14 operating within his or her scope of practice.

15 (d) "Care coordination" means the process of obtaining
16 information from, or providing information to, the participant,
17 the participant's family, the participant's primary health care
18 provider, or social service agencies to facilitate the delivery of
19 services designed to meet the needs of the participant, as
20 identified by one or more members of the multidisciplinary team.

21 (e) "Facilitated participation" means an interaction to
22 support a participant's involvement in a group or individual
23 activity, whether or not the participant takes active part in the
24 activity itself.

1 (f) “Group work” means a social work service in which a
2 variety of therapeutic methods are applied within a small group
3 setting to promote participants’ self-expression and positive
4 adaptation to their environment.

5 (g) “Professional nursing” means services provided by a
6 registered nurse or licensed vocational nurse functioning within
7 his or her scope of practice.

8 (h) “Psycho-social” means a participant’s psychological
9 status in relation to the participant’s social and physical
10 environment.

11 **SECTION 1.**

12 **SEC. 2.** Section 14525 of the Welfare and Institutions Code is
13 repealed.

14 ~~**SEC. 2.**~~

15 **SEC. 3.** Section 14525 is added to the Welfare and
16 Institutions Code, to read:

17 14525. Any adult eligible for benefits under Chapter 7
18 (commencing with Section 14000) shall be eligible for adult day
19 health care services if that person meets all of the following
20 criteria:

21 (a) The person is 18 years of age or older and has one or more
22 chronic or postacute medical, cognitive, or mental health
23 conditions, and a physician, nurse practitioner, or other health
24 care provider has, within his or her scope of practice, requested
25 adult day health care services for the person.

26 (b) The person has functional impairments in two or more
27 activities of daily living, instrumental activities of daily living, or
28 a combination of both, and requires assistance or supervision in
29 performing these activities.

30 (c) The person requires ongoing or intermittent protective
31 supervision, skilled observation, assessment, or intervention by a
32 skilled health or mental health professional to improve, stabilize,
33 maintain, or minimize deterioration of the medical, cognitive, or
34 mental health condition.

35 (d) The person requires adult day health care services, as
36 defined in Section 14550, that are individualized and planned,
37 including, when necessary, the coordination of formal and
38 informal services outside of the adult day health care program to
39 support the individual and his or her family or caregiver in the
40 living arrangement of his or her choice and to avoid or delay the

1 use of institutional services, including, but not limited to, hospital
2 emergency department services, inpatient acute care hospital
3 services, inpatient mental health services, or placement in a
4 nursing facility or an intermediate care facility for the
5 developmentally disabled.

6 *SEC. 4. Section 14528.1 is added to the Welfare and*
7 *Institutions Code, to read:*

8 *14528.1. (a) The personal health care provider, as defined in*
9 *Section 14552.3, shall have and retain responsibility for the*
10 *participant's care.*

11 *(b) If the participant does not have a personal health care*
12 *provider during the initial assessment process to determine*
13 *eligibility for adult day health care, the adult day health care*
14 *center staff physician may conduct the initial history and*
15 *physical for the participant.*

16 *(c) The adult day health care center shall make all reasonable*
17 *efforts to assist the participant in establishing a relationship with*
18 *a personal health care provider.*

19 *(d) If the adult day health care center is unable to locate a*
20 *personal health care provider for the participant, or if the*
21 *participant refuses to establish a relationship with a personal*
22 *health care provider, the adult day health center shall do both of*
23 *the following:*

24 *(1) Document the lack of personal health care provider*
25 *relationship in the participant's health record.*

26 *(2) Continue to document all efforts taken to assist the*
27 *participant in establishing a relationship with a personal health*
28 *care provider.*

29 *(e) (1) A personal physician for one or more of an adult day*
30 *health care center's enrolled participants may serve as the adult*
31 *day health care staff physician.*

32 *(2) When a personal physician serves as the staff physician,*
33 *the physician shall have a personal care services arrangement*
34 *with the adult care health center that meets the criteria set forth*
35 *in Section 1395nn(e)(3)(A) of Title 42 of the United States Code.*

36 *(3) A personal care physician, an adult day health care staff*
37 *physician, or an immediate family member of the personal care*
38 *physician or adult day health care staff physician, shall comply*
39 *with ownership interest restrictions as provided under Section*
40 *654.2 of the Business and Professions Code.*

1 ~~SEC. 3.~~

2 *SEC. 5.* Section 14550.5 is added to the Welfare and
3 Institutions Code, to read:

4 14550.5. Adult day health centers shall offer, and provide
5 directly on the premises, in accordance with the participant's
6 individual plan of care, and subject to authorization pursuant to
7 Section 14526, the following core services to each participant
8 during each day of the participant's attendance at the center:

9 (a) One or more of the following core nursing services:

10 (1) Observation, assessment, and monitoring of the
11 participant's health status and changes in his or her condition and
12 risk factors.

13 (2) Management of chronic conditions using standard
14 monitoring procedures at defined intervals and as necessary due
15 to any change in the participant's condition.

16 (3) Monitoring of the participant's medication regimen, and
17 the administration and recording of the participant's prescribed
18 medications.

19 (4) Oral or written communication with the participant's
20 personal physician, or the participant's family or other caregiver,
21 regarding changes in the participant's condition, signs, or
22 symptoms.

23 (5) Supervision of the provision of personal care services for
24 the participant.

25 (b) One or more of the following core personal care services
26 or social services:

27 (1) One or both of the following personal care services:

28 (A) Supervision of, or standby assistance with, activities of
29 daily living or instrumental activities of daily living.

30 (B) Protective group supervision and interventions to assure
31 participant safety and to minimize the risk of injury, accident,
32 inappropriate behavior, or wandering.

33 (2) One or more of the following social services:

34 (A) Observation, assessment, and monitoring of the
35 participant's psychosocial status.

36 (B) Group work to address psychosocial issues.

37 (C) Care coordination.

38 (c) At least one of the following therapeutic activities:

39 (1) Group or individual activities to enhance the social,
40 physical, or cognitive functioning of the participant.

1 (2) Facilitated participation in scheduled group or individual
2 activities for those participants whose frailty or cognitive
3 functioning level precludes them from active participation.

4 (d) One meal per day of attendance, with the provision of a
5 special or therapeutic diet as needed.

6 ~~SEC. 4.~~

7 *SEC. 6.* Section 14550.6 is added to the Welfare and
8 Institutions Code, to read:

9 14550.6. The adult day health care center may provide one or
10 more of the core services, as described in Section 14550.5, at an
11 enhanced level if any of the following conditions occurs:

12 (a) An expected condition, event, symptom, or group of
13 symptoms that reaches a level of acuity, based on an assessment
14 of the participant, requiring intervention by a member of the
15 multidisciplinary team on a one-to-one basis or within a small
16 group treatment setting.

17 (b) An expected condition, event, symptom, or group of
18 symptoms that reaches a level of acuity, based on an assessment
19 of the participant, requiring intervention or assistance by one or
20 more trained adult day health care personnel.

21 (c) An unexpected condition, event, or symptom, or group of
22 symptoms, that reaches a documented level of acuity requiring
23 intervention by a member of the multidisciplinary team on a
24 one-to-one basis or within a small group setting.

25 (d) An unexpected condition, event, symptom, or group of
26 symptoms that reaches a documented level of acuity requiring
27 intervention or assistance by one or more trained adult day health
28 care personnel.